HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA.

WRIT PETITION NO:27978 OF 1998

Dated: 21-03-2007

Between

1.Mohammad Noorjahan & others

..Petitioners

and

1.Mandal Revenue Officer, Kavali Mandal & another.

…Respondents

HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA

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ORDER:

This writ petition is preferred by the petitioners seeking to declare the action of the respondents in seeking to evict the petitioners from the lands i.e., Ac.2.05 cents in S.No:195, Ac.2.15 cents in S.No:223/1-6, Ac.1.97 cents in S.No:197/1, Ac.2.11 cents in S.No:177/2 and 178/1, Ac.1.95 cents in S.No:179/2, Ac.2.00 cents in S.No:223/1, Ac.2.00 cents in S.No:223/1-3, Ac.1.96 cents in S.No:194/1, Ac.2.10 cents in S.No:199/1, Ac.2.10 cents in S.No:223/1-9, Ac.2.54 cents in S.No:193 and Ac.1.98 cents in S.No:196/2 respectively situated in Thallapalem village of Kavali Mandal, Nellore District as illegal and arbitrary and to direct the respondents not to dispossess the petitioners from the above lands.

Heard the learned counsel.

It is the case of the petitioners that after holding an inquiry, pattas were granted to them as early as on 16.10.1989. But, however, without assigning any reasons and without issuing notice, the said assignments were cancelled on 24.8.1998. Hence, the present writ petition is preferred.

While issuing Rule nisi, the respondents have been directed not to dispossess the petitioners from out of the lands in question.

When the matter is taken up for hearing, it is submitted that as the whereabouts of the petitioners are not known, the notices were sent by substitute service and therefore, it amounts to service of notices on the petitioners.

It may be true that substitute service is one of the methods to see that the notices are served. But, in view of the fact that the petitioners are allowed to be in possession of the lands by virtue of the interim orders, without expressing any opinion on the merits of the case, I feel it appropriate to direct the petitioners to approach the M.R.O., Kavali and offer their explanation within a period of four weeks from the date of receipt of a copy of this order. On filing of such an explanation, the M.R.O., after giving an opportunity to the petitioners, may pass appropriate orders within a period of two weeks thereafter.

Subject to the above direction, the writ petition is allowed setting aside the order impugned. No order as to costs.

(Justice Gopalakrishna Tamada)

21st MARCH, 2007

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